

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

Plaintiff,

vs.

CRIMINAL NO. 1:15-CR-04519MCA

FIDEL NARANJO

Defendant.

**DEFENDANT'S SENTENCING MEMORANDUM**

COMES NOW the defendant, Fidel Naranjo, by and through undersigned counsel, and respectfully submits the following Sentencing Memorandum. Mr. Naranjo is asking this Court to sentence him to the agreed upon 40 months for violation of 18 U.S.C. §§ 2113(a) and as good cause states the following:

1. Mr. Naranjo entered into a plea agreement on April 25, 2016 whereby he plead guilty to Count 1 of the indictment, Bank Robbery and Aiding and Abetting. Pursuant to a written plea agreement and Rule 11(c)(1)(C) the government has agreed that a sentence of 40 months is appropriate in this case.
2. In its decision in *Booker v. United States*, 125 S. Ct. 738 (2005), the U.S. Supreme Court held that the U.S. Sentencing Guidelines are no longer mandatory. Under the new advisory sentencing scheme, sentencing courts “have a freer hand in determining sentences.” *United States v. Trujillo-Terrazas*, 405 F.3<sup>rd</sup> 814, 819 (10<sup>th</sup> Cir. 2005). The guideline range is now but one of many factors the sentencing court must consider in arriving at

an appropriate individualized sentence. § 3553(a) requires that the sentencing court impose a sentence that is “sufficient, but not greater than necessary, to comply with the purposes of sentencing discussed in §3553(a)(2): to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment; to deter future criminal conduct; to protect the public from the further commission of the crime; and rehabilitation. 18 U.S.C. §3553(a)(1), (a)(2)(A)-(D).

3. Mr. Naranjo has three prior criminal convictions on his record. His priors include Burglary, Battery on a Peace officer and Contributing to the delinquency of a minor. These offenses were committed from the time he was 18 until the age of 25. He is currently 27yrs old.
4. Mr. Naranjo has had a long history with drug abuse, mainly heroin. Heroin has been the cause of most of his criminal transgressions. Mr. Naranjo has in the past sought help to cure his addiction without much success. He has tried inpatient as well as outpatient facilities to help him cope with his addiction.
5. When clean Mr. Naranjo has showed the ability to hold down a steady job. He has worked for his father as well as being a firefighter. I believe that if he is able to kick his heroin habit he can be a contributing member to society.
6. Mr. Naranjo admits to his wrongdoing in this case and is willing to face the consequences. Mr. Naranjo knows that the only way he can change his life is live drug free. To that end Mr. Naranjo is requesting that this

court allow him to enter and complete a drug and alcohol program offered in the penitentiary.

7. Mr. Naranjo agrees that 40 months is the appropriate sentence in this case and respectfully requests the court to sentence him to such.

Respectfully submitted  
SZANTHO LAW FIRM, P.C.

/s/ Andras Szantho Esq.  
Andras Szantho, Esq.  
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I hereby certify that I electronically mailed a true and correct copy of the foregoing pleading to AUSA Edward Han on this 15<sup>th</sup> day of August, 2016.

/s/ Andras Szantho, Esq.  
Andras Szantho